

### **REMARKS**

In response to the Office Action mailed September 20, 2006, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. Claims 16 and 17 have been amended to correct informalities. As a result, claims 1-25 are still pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

#### **Drawings**

The Examiner objected to Figures 12, 13, and 15. Accordingly, the Applicant has submitted a replacement sheet for Figure 12, a replacement sheet for Figure 13, and a replacement sheet for Figures 14 and 15. The replacement sheets replace the sheets containing Figures 12-15 as originally filed. Therefore, the Applicant respectfully submits that the objection to the drawings may be properly withdrawn.

#### **Objections to Claims 16 and 17**

The Applicant appreciates the Examiner's recognition of the informalities in claims 16 and 17. Accordingly, the Application has amended the claims to correct the informalities.

#### **Rejection of Claims 1-16 and 18-25 Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 1-16 and 18-25 under 35 U.S.C. § 103(a) as being obvious over Manning et al. in view of Bynoe. The Applicant respectfully traverses the

rejection and maintains the remarks that were previously set forth. In particular, there is no motivation to combine the references as suggested by the Examiner.

The Applicant respectfully submits that the requisite teaching or motivation is not available in order to combine Manning et al. and Bynoe. Manning et al. does not teach or suggest that there is any problem with moisture being trapped behind reinforced siding panels. Moreover, Manning et al. does not teach or suggest that there is any problem with mold growing behind reinforced siding panels. In light of the lack of motivation provided by Manning et al., it must be noted that Bynoe is not even directed to siding. Instead, Bynoe is directed to a roofing system, which has a very different installation than a reinforced siding panel such as taught by Manning et al. In fact, it is well known that roofing systems are particularly susceptible to water damage due to the distinct manner of installation on top of a structure. As a result of being installed on top of a structure, a typical roofing structure may be heavily subjected to rain or snow on a regular basis such as described by Bynoe from column 1, line 53, to column 2, line 2. In view of the unique installation of a roofing system, Bynoe actually sets forth a roof construction that is intended to allow water to flow from the roof system into roof drains as explained in column 2, lines 5-11. Bynoe even describes that it is preferable that the outermost panels (i.e., panels 15 or 35) be installed such that there are gaps there between to enable water to flow between the outermost panels and into the grooves such that the water will be discharged into the roof drains. *There is no teaching or suggestion that it would be desirable for a reinforced siding panel to purposefully allow*

*water to flow behind a siding panel such as the roofing system of Bynoe. In fact, siding panels are typically designed to prevent the penetration of water. As a result, one of ordinary skill in the art would not even be motivated to consider a non-analogous reference such as Bynoe.* Moreover, in view of the different subject matter, installations, environmental conditions, and problems addressed by the references, the Applicant respectfully submits that there is no motivation to combine the references as suggested by the Examiner. Hindsight may not be used. In view of the shortcomings of Manning et al. and Bynoe with respect to the independent claim, the Applicant respectfully submits that the dependent claims are also in condition for allowance, and any of the Examiner's rejections with respect to the dependent claims have been rendered moot. Therefore, the Applicant respectfully submits that Manning et al. in view of Bynoe cannot support the rejection of claims 1-16 and 18-25 under 35 U.S.C. § 103(a).

Rejection of Claim 17 Under 35 U.S.C. § 103(a)

The Examiner rejected claim 17 under 35 U.S.C. § 103(a) as being obvious over Manning et al. in view of Bynoe and further in view of Phillips et al. The Applicant respectfully traverses the rejection and maintains the remarks that have been previously set forth.

The shortcomings of Manning et al. in view of Bynoe with regard to claim 1 have been set forth above. Phillips et al. fails to overcome those shortcomings with regard to claim 1. Sealing an opening to block entry by insects does not teach or suggest using a

App. No. 10/688,750  
Amendment transmitted November 20, 2006  
Re: Office Action mailed September 20, 2006

chemical to repel insects. If an insect is blocked from entry, it may still stay in the vicinity of the blocked opening. On the other hand, an insect will go away if it is *repelled* by a chemical. Therefore, the Applicant respectfully submits that Manning et al. in view of Bynoe and further in view of Phillips et al. cannot support the rejection of claim 17 under 35 U.S.C. § 103(a).

Conclusion

The Applicant has distinguished claims 1-25 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

Date: /November 20, 2006/

/Jeffrey C. Norris/

Jeffrey C. Norris  
Registration No. 42,039  
Standley Law Group LLP  
495 Metro Place South  
Suite 210  
Dublin, Ohio 43017-5319  
Telephone: (614) 792-5555  
Fax: (614) 792-5536  
E-mail: jnorris@standleyllp.com